



FLORIDA STATE UNIVERSITY
OFFICE OF COMPLIANCE AND ETHICS

A MESSAGE FROM THE CHIEF COMPLIANCE AND ETHICS OFFICER

As the Office of Compliance and Ethics (Office) completes its third year of existence, I am pleased to present you with a recap of our progress to this point and a vision of our way forward.

Looking back on 2020-2021, FSU weathered a storm of unprecedented challenges. I am proud to work for a university that meets these challenges head-on and emerges as a leader in innovative thinking and problem-solving when we encounter difficult conditions. Though we may wish for calmer seas, it is at these times when we truly are at our best.

Over the past fiscal year, the Office broadened its substantive operation to include designation as the HIPAA Privacy Officer, ownership of the outside activity overhaul project, and responsibility for much of the university's compliance with Florida's new foreign worker screening laws. I continue to be grateful for the confidence of university leadership in entrusting the Office with these important functions, and value the partnerships across campus that make them successful.

I hope you find the enclosed Annual Report informative on the achievements of the Office during the past twelve months, as well as on the goals we have set for the year and years ahead. The Office's Work Plan for the 2021-2022 fiscal year is included in this document, similarly organized to reflect our roots in the Federal Sentencing Guidelines. I anticipate that the upcoming five-year review will provide useful, detailed feedback on our operations, and look forward to sharing those results with you. As always, feel free to contact me if you would like a more in-depth explanation of any particular element, or if you have any questions or concerns about the Office.

Sincerely,

Robyn Blank, Chief Compliance and Ethics Officer



Introduction: The Federal Sentencing Guidelines

Since 1991, The United States Department of Justice (DOJ) has utilized the Business Organizations section of the United States Sentencing Guidelines Manual to analyze the criminal liability of business organizations. If an entity can demonstrate it has a well-developed compliance and ethics program and that criminal conduct occurred in spite of that program, the entity can receive credit against a criminal sentence. But the guidelines have a much greater use than just sentencing bad-acting businesses. Known as Chapter 8, the guidelines have been used by hundreds of organizations to develop their compliance plans and determine the reach of their chief compliance officers, and the DOJ's revisions and commentary on Chapter 8 since its inception have recognized the guidelines' broadening application. The Florida Board of Governors used Chapter 8 as the basis for BOG Regulation 4.003, and it provides the framework that will be used for the 5-year effectiveness reviews of each SUS institution's compliance program. For those reasons, this Annual Report is organized to reflect FSU's progress in each of the seven elements described by Chapter 8.¹

Element One: Executive Oversight

Via the establishment of the Office of Compliance and Ethics and the designation of the Chief Compliance and Ethics Officer as a direct report to the University President and the Chair of the Board of Trustees, FSU has signaled strong support for the Office and its efforts. The Office Charter is required to be reviewed and re-approved every three years. Edits to the Board of Trustees Audit and Compliance Committee Charter approved in June 2018 provide oversight for the Office, with the Chief Compliance and Ethics Officer reporting quarterly to the Committee and yearly to the full Board of Trustees, or upon request. The review and re-approval of the Charter and yearly report to the full Board of Trustees are scheduled for September 2021, contemporaneous with the presentation of this Annual Report and Work Plan.

2021-2022 WORK PLAN ITEMS:

- Develop bylaws and charge documents for staff committees
- Schedule and hold regular meetings (twice a year or once a semester) of staff committees
- Approval of the Compliance Matrix, demonstrating the compliance areas owned by each of the Compliance Partners²

¹ These seven elements are also described in the Office's Program Plan, approved September 2018.

² The Compliance Matrix has been reviewed by the Compliance Alliance but has not yet received full approval.



Element Two: Written Standards of Conduct and Policies and Procedures

Policy review and improvement is a continual process at FSU. This year, the Office contributed significantly to development of new policies or revisions of policies governing international travel, Title IX, and student conduct, many of which were related to changes in laws and regulations at the federal and state levels.

4-OP-C-13, Policy Against Fraudulent, Unethical, and other Dishonest Acts and OP-C-7-G7, Standards for Employee Ethics, are under review to reflect the existence of the Office of Compliance and Ethics and best practices. A more comprehensive Code of Ethics for employees is also being considered, as the current Code of Ethics addresses a very narrow set of circumstances.

FSU Regulation 2.027, Fraud Prevention, will be presented for approval in November 2021, along with any accompanying changes to 4-OP-C-13 (required by BOG Regulation 3.003).

2021-2022 WORK PLAN ITEMS:

- Complete revision of Outside Activity Policy and any accompanying instructional materials to reflect requirements of new state laws and the Conflict Administration Management System (CAMS), FSU's new online reporting system
- Complete review, revision, and creation of ethics-centered policies (carry-forward from 2020-2021 Work Plan)
- Review university-wide policies for consistency and uniformity on compliance and ethical issues (carry-forward from 2020-2021 Work Plan)

Element Three: Effective Lines of Communication

The Chief Compliance and Ethics Officer maintains regular meetings with the Inspector General and the Associate Vice President for Human Resources/Chief of Staff for the Vice President of Finance and Administration (monthly), the Senior Associate Athletics Director for Governance and Compliance (monthly), the Chief Information Officer and Information Privacy and Security Officer (monthly), and the Title IX Director (weekly). The Office regularly receives and responds to inquiries and requests for assistance on a variety of issues from departments and offices across the institution, indicating that awareness of the Office is growing. The Office benefits from open-door policies of the University President, Vice President for Research, General Counsel, and Athletics Director, among others.



2021-2022 WORK PLAN ITEMS:

- Establish regular meetings or circulate informational memos/newsletters to keep campus partners informed of activity of the Office, especially on the academic side (carry-forward from 2020-2021 Work Plan)
- Hold quarterly check-ins with the University President ahead of Board of Trustees meetings (or as requested)

Element Four: Education and Training

The continuous task of training a large group of diverse administrators, faculty, and staff is one of the heaviest lifts of a compliance office. The Office held targeted trainings as requested, including reduction of inherent bias in patient care for University Health Services and revisions to the privacy training for personnel involved in FSU's COVID-19 response as informational needs increased. The Office also worked in cooperation with the Office of Research to create an online module for researchers related to compliance with Florida's laws on research conflict of interest and foreign influence, an area which saw considerable growth this past year and will result in the need for additional education. Individualized trainings for Board members, staff, faculty, and procurement employees on outside activity and conflict of interest topics are being prepared in anticipation of the CAMS system launch (January 2021). As we continue to work within the limits of the pandemic, efforts will be geared toward asynchronous, remote training opportunities, rather than live meetings.

At the recommendation of the university's Clery Committee, the Office purchased online training materials for employees designated as campus security authorities under the Clery Act and will work with the Compliance Partners group to implement the training. The Office is also considering purchase of a toolkit or software for university-wide ethics training.

2021-2022 WORK PLAN ITEMS:

- Create and implement a training and tracking schedule to ensure university-wide knowledge of compliance and ethics matters
- Create or procure a general ethics training module
- Create and implement programming around Compliance Week (November 7-13, 2021)
- Implement customized trainings for CAMS
- Improve and promote Office of Compliance and Ethics website (ongoing)



Element Five: Audits and Evaluation Techniques to Monitor Compliance; Establishment of Reporting Processes and Procedures for Complaints

The Office is often part of the management response to reports of the Office of Inspector General Services, working to implement recommendations and address follow-up concerns resulting from internal audits or investigations. Under the authority granted by its Charter, the Office undertook investigative and inquiry tasks of its own during the past year. The Office provides updates to OIGS and the Audit and Compliance Committee, as required and/or upon request.

The Chief Compliance and Ethics Officer has an EthicsPoint license and access to the EthicsPoint site to review complaints that arrive via the online portal. Regular meetings with the Inspector General and the Associate Vice President for Human Resources (see Element Three) assist with workload issues and identification of the correct office to conduct investigatory activities and respond to complaints. Consistent contact with the Title IX Director ensures that the Chief Compliance and Ethics Officer has knowledge of any relevant information that comes in via the report.fsu.edu portal.

2021-2022 WORK PLAN ITEMS:

- Create handbook/establish protocols for investigations and investigatory reports (carry-forward from 2020-2021 Work Plan)
- Create and implement assessment tool(s) to identify areas of risk and measure improvements when noncompliance is discovered and needs to be remedied (carry-forward from 2020-2021 Work Plan)

Element Six: Appropriate Disciplinary Mechanisms and Incentives for Good Conduct

Although the Office is not responsible for handing down discipline, best practices indicate that creating incentives for good conduct can be just as important as deterring poor conduct via discipline. Trainings have emphasized the importance of compliance and ethics at all levels of the institution. Individually tailored trainings identify the specific contributions of the participating group to the university's mission and discuss the risks associated with noncompliance. When discipline is recommended as an outcome of an investigation, the Office of Compliance and Ethics works with the departmental supervisor and the Office of Human Resources to ensure that discipline is consistent and proportional.

The Office designed and manufactured a set of challenge coins, to be distributed to mission partners, project participants, and those who demonstrate exemplary commitment to compliance and ethics.



2021-2022 WORK PLAN ITEMS:

- Continue to utilize training opportunities to highlight the importance of ethical conduct
- Formalize reporting of investigatory and inquiry outcomes to the Office of Human Resources when disciplinary action may be appropriate

Element Seven: Investigation and Remediation of Systemic Problems

The Office conducted two formal inquiries during the 2020-2021 year and handled several smaller fact-finding or investigatory matters. In each instance, efforts were made to determine whether the allegation, substantiated or not, was indicative of a larger compliance issue within a department or office.

As described in last year's Annual Report and mentioned here in Elements Two and Four, the implementation of CAMS will make important improvements to FSU's outside activity and conflict of interest disclosure processes. Substantively, we will be using SmartForms to guide outside activity disclosures so that we get better information about proposed activities, allowing us to make informed decisions about conflicts of interest and conflicts of commitment. Procedurally, we will be moving from a paper-based system to an online one, making tracking, approval, and analysis of information easier and more reliable.

The CAMS project is also an essential response to the Florida Legislature's interest in identification and investigation of allegations of foreign influence on research and the passage of new laws governing same. The Office led FSU's response to a series of requests for information from the House Public Integrity and Elections Committee during the legislative session, and has been responsible for much of the university's response to the Committee's bill on the topic of foreign workers and research integrity, HB7017.

The Office looks forward to continuing conversations about the centralization of HIPAA and GDPR compliance operations, as domestic and international privacy laws (e.g., California's Privacy Rights Act and Privacy Protection Act; China's Personal Information Protection Law) require compliance and/or risk management analysis,

2021-2022 WORK PLAN ITEMS:

- Create and implement programs required by HB7017 related to screening of foreign workers, reporting of foreign agreements, and travel
- Continue progress on responses to gap analyses (HIPAA and GDPR), incorporating lessons learned from, and new needs generated by, FSU's COVID-19 response